

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YANG FENG ZHAO,

Plaintiff,

-against-

07 Civ. 3636 (LAK)

CITY OF NEW YORK, et al.,

Defendants.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

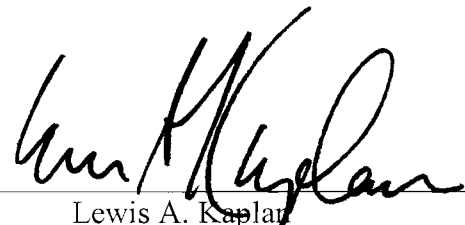
Plaintiff and defendants cross-move for partial summary judgment. In an extensive and thorough report and recommendation dated August 28, 2009 (the "R&R"), Magistrate Judge Michael H. Dolinger recommended that defendants' motion be granted in part and denied in part and that plaintiff's motion be denied. Both sides have objected to the R&R at least in certain respects.

Having carefully considered the matter, the objections are overruled. Plaintiff's motion for partial summary judgment [DI 112] is denied in all respects. Defendants' cross-motion [DI 120] is granted to the extent that plaintiff's *Monell* claim against the City and his claims for assault and battery, defamation, intentional infliction of emotional distress, and negligence all are dismissed. Their cross motion is denied in all other respects.

The Clerk shall terminate docket item 151, the defendants' objections to the R&R, which were improperly docketed as a motion.

SO ORDERED.

Dated: September 21, 2009



Lewis A. Kaplan
United States District Judge

